

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X

In re:

MYINT KYAW,
a/k/a JEFFREY WU,

Case No: 820-72407-reg
Chapter 11

Debtor.

-----X

ORDER UNDER 11 U.S.C. SECTION 1104 DIRECTING THE
UNITED STATES TRUSTEE TO APPOINT A CHAPTER 11 OPERATING TRUSTEE

WHEREAS, Myint Kyaw a/k/a Jeffrey Wu (the “Debtor”) filed a voluntary petition under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) and has continued to operate his businesses and remained in possession of his assets under sections 1107 and 1108 of the Bankruptcy Code; and

WHEREAS, on June 15, 2021, the Court ordered the United States Trustee to appoint an examiner to conduct an investigation of the Debtor’s businesses and financial affairs as more specifically set forth in the order and to render a report; and

WHEREAS, on June 17, 2021, the Court approved the appointment of Robert R. Rosenfeld, as the examiner (the “Examiner”); and

WHEREAS, on September 7, 2021, the Examiner filed his first interim report (the “Report”); and

WHEREAS on September 8, 2021, based upon information in the Report, the Court issued an Order to Show Cause (“OSC”) directing the Debtor to show cause at a hearing scheduled for September 13, 2021 (the “Hearing”), why the Debtor’s chapter 11 case should not be converted to one under chapter 7 of the Bankruptcy Code; and

WHEREAS, the United States Trustee (the “United States Trustee”) having filed papers in support of the relief sought in the OSC and having appeared by his counsel, Stan Y. Yang, Esq., at the Hearing in support of conversion of this chapter 11 case; and

WHEREAS, the Debtor by his counsel, Marc Pergament, Esq., of Weinberg, Gross & Pergament LLP (“Counsel”), having filed an opposition to the OSC and having appeared at the Hearing; and

WHEREAS, creditors of this estate filed their respective objections to conversion of this chapter 11 case and having appeared at the Hearing; and

WHEREAS, the Examiner having appeared at the Hearing; and

WHEREAS, at the conclusion of the Hearing, the Debtor having consented to the appointment of an operating trustee under section 1104 of the Bankruptcy Code; and

WHEREAS, the Court finding that notice of OSC was sufficient and that based upon the statements of those parties whose appearances are noted on the Hearing transcript, and after due deliberation and for good cause, it is hereby

ORDERED, that cause exists under Bankruptcy Code section 1104 warranting the appointment of a chapter 11 operating trustee; and it is further

ORDERED, that the United States Trustee shall appoint a chapter 11 operating trustee to perform all duties under Bankruptcy Code section 1106; and it is further

ORDERED, that the duties and responsibilities of the Examiner are hereby discharged.

**Dated: Central Islip, New York
September 14, 2021**



A handwritten signature in black ink, appearing to read "Robert E. Grossman". The signature is written in a cursive, flowing style.

**Robert E. Grossman
United States Bankruptcy Judge**